

United States  
Department of  
Agriculture

Forest  
Service

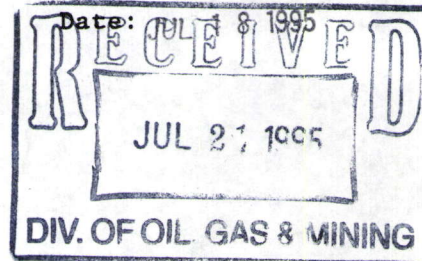
Intermountain  
Region

324 25th Street  
Ogden, UT 84401-2310

File Code: 2810

M/023/004

Ash Grove Cement West, Inc.  
Suite 300  
5550 S.W. Macadam Avenue  
Portland, Oregon 97201-3786



Gentlemen:

Please refer to Reclamation Performance Bond number 5 which Ash Grove Cement West, Inc. furnished to the Fishlake National Forest for cement manufacturing operations near Leamington, Utah. A copy is enclosed.

This letter is notification that the above cited bond issued in the amount of \$386,000 by Westchester Fire Insurance Company, P.O. Box 2639, Dallas, TX 75221 has been replaced and may be discontinued as of the date of this letter.

We are notifying the surety and your Nephi, Utah office of this action by copy of this letter.

Sincerely,

Robert M. Swinford  
for

DALE N. BOSWORTH  
Regional Forester

Enclosure

cc:

Westchester Fire Insurance Company  
P.O. Box 2639  
Dallas, TX 75221

Ash Grove Cement Company  
P.O. Box 51  
Nephi, UT 84648

State of Utah Division of Oil, Gas, and Mining  
Attn: Anthony A. Gallegos  
355 W North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

Forest Supervisor  
Fishlake National Forest  
190 E 900 N  
Richfield, UT 84701



U.S. DEPARTMENT OF AGRICULTURE  
Forest Service**RECLAMATION PERFORMANCE BOND**

(Minerals Operating Plan and/or Exploration Permit, Including Geothermal)

(Reference FSM 6506)

**INSTRUCTIONS:** (1) This form is authorized for use whenever a Performance Bond is required in connection with National Forest Reclamation Activity. (2) The full legal name and business address of the Principal shall be inserted in the space designated 'Principal' on the face of this form. The bond shall be signed by an authorized person. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority must be furnished. (3) Corporations executing the bond as sureties must be among those appearing on the Treasury Department's list of approved sureties and must be acting within the limitations set forth therein. (4) Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the work 'Seal', and, if executed in Maine or New Hampshire, shall also affix an adhesive seal. (5) The name of each person signing this bond should be typed in the space provided.

## Principal (Legal name and business address)

Ash Grove Cement West, Inc.  
Suite 300  
5550 S.W. Macadam Avenue  
Portland, Oregon 97201-3786

## Date Bond Executed

MARCH 16, 1990

## Type of Organization (X Appropriate Box)

☐

Individual

☐

Partnership

☐

Joint Venture

☒

Corporation

## Surety(ies) (Name(s) and business address(es))

WESTCHESTER FIRE INSURANCE COMPANY  
P.O. BOX 2639  
DALLAS, TEXAS 75221

## State of Incorporation

Nevada

## PENAL SUM OF BOND

Million(s) \$	Thousand(s) \$	Hundred(s) \$
	386	000

**KNOW ALL MEN BY THESE PRESENTS,** That we, the Principal and Surety(ies) hereto, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum for the payment of which we bind ourselves, and each of our heirs, executors, administrators, and successors, jointly and severally: Provided, That, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum 'jointly and severally' as well as 'severally' only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

## SCHEDULE OF OPERATING PLANS - REGION \_\_\_\_\_

Name of National Forest	Operating Plan Number	Date	Amount Allocated to Operating Plan (\$)	Amount of Allocated Restored (\$)	Date Restored	Unallocated Balance (\$)
Fishlake	2810	9/18/79 App 3/14/80	\$386,000			



THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the Principal has an interest in the Operating Plans identified in the Schedule of Operating Plans above; and

WHEREAS, the Principal and Surety agree that, without notice of the surety, the coverage of this bond, in addition to the present operating plans of the Principal, shall extend to and include:

1. Any operating plan approved by the Forest Service and issued to the Principal in the Region or Forests named above, or later named in a rider, the coverage to become effective immediately upon approval by the Forest Service.
2. Any operating plan hereafter approved by the Forest Service in the Region or Forests named above, to become effective immediately upon approval by the Forest Service.
3. Any extension of the operating plan, such coverage to continue without interruption due to expiration of the operating plan.
4. Any modification of an operating plan, include obligations thereunder, whether made by agreement, suspension of operations, or otherwise; and

WHEREAS, the Principal and Surety hereby agree that notwithstanding the termination of any operating plan covered by this bond, the bond shall remain in full force and effect as to all remaining operating plans covered by this bond.

NOW, THEREFORE, if the Principal shall: Perform and fulfill all the reclamation provisions of all operating plans referred to in the Schedule of Operating Plans and shall also perform and fulfill all the reclamation provisions of any and all duly authorized modifications of said operating plans that may hereafter be made, then the above obligations are to be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this reclamation bond and have affixed their seals on the date set forth above.

PRINCIPAL

Signature(s)	1. <i>George M. Wells</i> (Seal)	2. _____ (Seal)	Corporate Seal
Name(s) and Titles (Typed)	1. George M. Wells, President	2. _____	

SURETY(IES)

Name and Address	WESTCHESTER FIRE INSURANCE COMPANY P.O. BOX 2639 DALLAS, TEXAS 75221		State of Inc. NEW YORK	Liability Limit	Corporate Seal
Signature(s)	1. <i>Michael P. Fagan</i>	2. _____			
Name(s) and Titles (Typed)	1. MICHAEL P. FAGAN ATTORNEY-IN-FACT	2. _____			

Bond Premium	Rate Per Thousand \$ 6.25	Total \$ 2413. PER YEAR
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Remarks



**POWER OF ATTORNEY  
WESTCHESTER FIRE INSURANCE COMPANY  
PRINCIPAL OFFICE, NEW YORK, N.Y.**

KNOW ALL MEN BY THESE PRESENTS: That the WESTCHESTER FIRE INSURANCE COMPANY a Corporation duly organized and existing under the laws of the State of New York, and having its administrative offices in the Township of Morris, New Jersey, has made, constituted and appointed, and does by these presents make, constitute and appoint Michael P. Fagan and Carrol A. McAllister of Mission Woods, Kansas, each

its true and lawful Agent(s) and Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver: Any and all bonds and undertakings each in a penalty not to exceed the sum of One Million and Five Hundred Thousand Dollars (\$1,500,000) SUBJECT TO THE EXCLUSIONS LISTED BELOW:

Bid, Proposal and Final Bonds and Undertakings guaranteeing contracts for the construction or erection of public or private buildings, improvements, and other works and guaranteeing public and private contracts for supplies.

and to bind the Corporation thereby as fully and to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Corporation at its offices in Morris Township, New Jersey in their own proper persons.

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous powers issued in behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the Westchester Fire Insurance Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of July, 1989.



Attest:

WESTCHESTER FIRE INSURANCE COMPANY

John K. Stewart  
Assistant Secretary  
John K. Stewart

Richard A. Annese  
Vice President  
Richard A. Annese

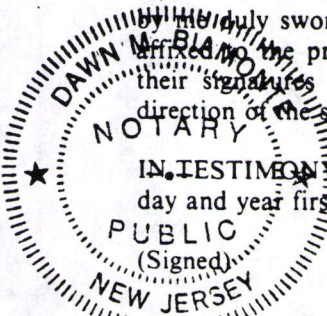
STATE OF NEW JERSEY )  
COUNTY OF MORRIS ) ss.:

On this 10th day of July, 1989, before the subscriber, a duly qualified Notary Public of the State of New Jersey, came the above-mentioned Vice President and Assistant Secretary of the Westchester Fire Insurance Company, to me personally known to be the officers described in, and who executed the preceding instrument, and they acknowledged the execution of the same, and being duly sworn, deposed and said, that they are the officers of said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and their signatures as officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal at the Township of Morris, the day and year first above written.

DAWN M. BIAMONTE  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES JULY 25, 1993

Dawn M. Biamonte  
Notary Public





This Power of Attorney is granted pursuant to Article IV of the By-Laws of the WESTCHESTER FIRE INSURANCE COMPANY as now in full force and effect.

**ARTICLE IV Execution of Instruments.** "The Chairman of the Board, Vice-Chairman of the Board, President, or any Vice-President, in conjunction with the Secretary, or any Secretary, if more than one shall be appointed by the Board, or an Assistant Secretary, shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation."

This Power of Attorney is signed and sealed under and by the authority of Article III, Section 9 of the By-Laws of the WESTCHESTER FIRE INSURANCE COMPANY as now in full force and effect.

**ARTICLE III Section 9 Facsimile Signatures.** "The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed facsimile, lithographed, or otherwise produced . . . The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued."

#### CERTIFICATE

State of New Jersey  
County of Morris

I, the undersigned, Assistant Secretary of the WESTCHESTER FIRE INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing POWER OF ATTORNEY remains in full force and effect and has not been revoked and furthermore that the above quoted abstracts of Article IV and Article III, Section 9 of the By-Laws of the Corporation are now in full force and effect.

Signed and sealed at the Township of Morris, New Jersey dated 16th

day of MARCH, 1990.

By



Assistant Secretary

Herbert H. Linder